

Sexual Assault Victim Notification Recommended Protocol

Utah law now requires that law enforcement agencies investigating sexual offenses shall notify sexual assault victims about their cases under certain circumstances. *See attached code (U.C.A 77-37-3).*

When contacting and re-engaging a victim, particularly in sexual assault cases that have been inactive or closed; some victims may be pleased to learn that additional evidence has been obtained, while others may view the news as traumatic or unwelcome. Approach the victim with sensitivity and patience. Be prepared for a wide range of emotions and reactions. This protocol suggests how to prepare, along with best practices for the various methods of making contact with the victim.

PRIOR TO VICTIM NOTIFICATION

When DNA results from a crime scene or sexual assault kit are obtained, an officer should:

1. Briefly review the case file;
2. Briefly review the evidence;
3. Perform further investigation, as needed;
4. Screen the case with a prosecutor; and
5. Purposefully attempt to locate current contact information for the victim.

MAKING CONTACT WITH THE VICTIM – *See page 2 for contact methods*

1. Deciding when and how to notify a victim should be a team decision involving an agency representative (i.e. detective, investigator) and a victim advocate. *Every attempt should be made to notify a victim at a time, place, and manner that provides as much privacy as possible.*
 - a) Coordinate the appropriate notification efforts and re-engagement techniques with the victim advocate, and have the advocate present upon notification, if possible. Any renewed activity in the investigation may cause psychological trauma to the victim and their family, particularly if a substantial amount of time has passed or if they have not received regular updates regarding the case.
 - b) Consider how to maintain the integrity of the investigation, the safety of the victim, and victim privacy when deciding when and how to make the notification.
 - c) Notifications should be completed in a timely manner to prevent the victim from first learning about new case activity from other sources, including the media.

ADVOCATE'S ROLE IN VICTIM NOTIFICATION

1. Consider the victim's current life circumstances, as well as possible threats to their privacy when determining the best method of notification.
2. As soon as possible, an advocate should conduct a needs assessment with the victim to provide appropriate referrals and contact information. Local service providers within the victim's community may also help provide or coordinate valuable services (Utah Office for Victims of Crime, Rape Recovery Center, etc.).
3. Ensure that the victim is afforded all of their rights, including the right to receive notice as the case progresses, the right to referrals and assistance, and the right to seek victim compensation, among other statutory rights.
4. Provide ongoing advocacy services and case updates for the victim.

NOTIFYING THE VICTIM

Face-to-face notification by law enforcement and an advocate should occur whenever possible to help ensure victim privacy, assess victim reaction, and determine the most appropriate resources for the victim. Keep in mind that some victims may not have told anyone about the assault, including spouses, children, other family members, and/or friends. Taking precautions to ensure victim privacy will allow the victim the opportunity to choose whether or not to reveal details of the crime or investigation to others.

Other less desirable methods of notification include: telephone calls, letters, emails, or notification to a victim's designee. Each method of notification poses certain challenges to the team contacting the victim, and are addressed below.

1. In-person Notification

- The victim may or may not have told family or friends about the investigation. Victim privacy can be threatened if others are present during notification.
- The victim may be distrustful or even angry with law enforcement due to past experiences or the delay in testing the evidence, and may be unwilling to cooperate. A victim advocate can be particularly helpful to serve as a buffer between the victim and law enforcement in these situations.

2. Telephone Notification

- Phone contact may seem impersonal to a victim.
- Finding current telephone numbers can be difficult.
- When leaving a message, identify yourself and your agency. DO NOT leave information about what the call is regarding, but ask for a return call from the victim.

3. Email Notification

- Email contact may seem impersonal.
- Emails can be misdirected by spam filters, or be overlooked. Notice by email should request a receipt.
- Emails don't seem as "official" as other methods and might be misconstrued as a phishing or spam tactic.
- If receipt of the email is not acknowledged, notification by other means should be attempted.

4. U.S Mail Notification

- Contact by written letter should be a last resort as it is potentially the least secure and confidential method.
- Because a letter may be opened by someone else at the victim's last known residence, it should be written in as generic terms.
- Victims who relocate frequently may not be reachable by mail.

AFTER NOTIFICATION

Upon notification, clearly inform victim about the new evidence in detail, the next steps of the case and of what they should expect. After notification is made, allow the victim time to process the new information. Victims often are in shock and experience a wide range of emotions at this point. Be prepared to discuss the victim's immediate safety concerns. Ask how the victim is feeling about the new information, about going forward with the case, and about any other concerns. Be sure to ask how to best communicate with the victim in the future.

**Protocol supported by the Utah Commission on Criminal and Juvenile Justice*